

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6178

BILL NUMBER: HB 1011

NOTE PREPARED: Nov 15, 2002

BILL AMENDED:

SUBJECT: Ban on Assault Weapons.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill provides that the manufacture, importation, sale, or possession of ammunition for a machine gun, an automatic weapon, or a semiautomatic weapon is a Class C felony. The bill also creates enhanced criminal penalties for a person who commits certain drug offenses while in possession of an automatic or a semiautomatic weapon.

Effective Date: July 1, 2003.

Explanation of State Expenditures: Under current law, a person who owns or possesses a machine gun commits a Class C felony. Under the bill, an automatic weapon, a semiautomatic weapon, or ammunition for these weapons would be included in the definition. Also, the definition of the crime would be enhanced to include manufacture, importation, selling, purchasing, or transferring possession of a prohibited weapon or ammunition. In addition, the bill would add to the enhanced criminal penalties for certain drug offenses, the possession of an automatic or semiautomatic weapon.

A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony

is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

In addition, persons convicted of a drug-related offense may also be liable for a Drug Abuse, Prosecution, Interdiction, and Correction Fee ranging between \$200 and \$1,000. The revenue collected from this fee is deposited in the State User Fee Fund and distributed to state and local programs.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

In addition, if a person is convicted of a drug-related offense, a sentencing court may assess a Marijuana Eradication Fee of not more than \$300 if the county has established a Weed Control Board. The court may also assess an Alcohol and Drug Services Program Fee of not more than \$300 if a local government has established an alcohol and drug services program. Revenue collected from the Marijuana Eradication Fee is deposited into the county user fee fund. Revenue collected from the Alcohol and Drug Services Program Fee is deposited in the county or city or town user fee fund.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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